



Serial 10/762,665

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Renate Fuchs et al.

Examiner: Albert M. Navarro

Serial No.: 10/762,665

Group Art Unit: 1645

Filed: January 22, 2004

Docket: 738.001US5

Title: IMMUNOLOGICALLY ACTIVE PROTEINS FROM BORRELIA  
BURGDORFERI

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Patti J. Jurkovich, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on January 22, 2004. I am making this petition on behalf of Mikrogen Molekularbiologische Entwicklungs-GmbH, the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

**Certificate Under 37 C.F.R. § 3.73(b)**

Your petitioner, Mikrogen Molekularbiologische Entwicklungs-GmbH, certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/762,665) and to U.S. Patent No. 6,248,538. Your petitioner owns the entire right, title, and interest of the application and the 6,248,538 patent, by nature of the assignment executed and filed for the parent U.S. Patent application Serial No. 07/862,535 (now U.S. Patent No. 6,248,538).

The above-identified patent application (Serial No. 10/762,665) is a divisional application of U.S. Patent Application No. 10/289,795, filed on November 7, 2002, now U.S. Patent No. 6,753,183, issued June 22, 2004, which is a divisional application of U.S. Patent Application No. 09/711,546, filed on November 13, 2000, now U.S. Patent No. 6,509,019, issued January 21, 2003, which in turn is a divisional application of U.S. Patent Application No. 08/209,603, filed on March 10, 1994, now U.S. Patent No. 6,248,538, issued June 19, 2001, which in turn is a continuation of U.S. Patent Application No. 07/862,535, filed on June 19, 1992, abandoned, which is a 35 U.S.C. §371 filing of International Patent Application No. PCT/EP90/02282, filed on December 21, 1990, which in turn is an international filing of German

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Patent Application No. P39 42 728.5, filed on December 22, 1989, and of German Patent Application No. P40 18 988.0, filed on June 13, 1990.

The ownership of the 07/862,535 application is evidenced by the assignment of the application from Manfred Motz, Erwin Soutscheck, Renate Fuchs, Bettina Wilske, and Vera Preac-Mursic to Mikrogen Molekularbiologische Entwicklungs-GmbH, which was recorded on June 19, 1992 on Reel 6254, Frames 0132-0135, with the United States Patent and Trademark Office.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Mikrogen Molekularbiologische Entwicklungs-GmbH, seeking to take the action set forth in this disclaimer.

#### Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,248,538. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,248,538 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

#### Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,248,538 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), is reissued, has all claims canceled

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by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

Fee Status

Please charge Deposit Account No. 19-0743 in the amount of \$65.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

RENATE FUCHS ET AL.

By their Representatives,

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Date 8 August 2005

By   
Patti J. Jurkovich  
Reg. No. 44,813

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of August, 2005.

PATRICIA A. HULTMAN

Name

  
Signature